

**SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING & REGULATION
BEFORE THE STATE BOARD OF VETERINARY MEDICAL EXAMINERS**

IN THE MATTER OF:

JOHN FRANCIS CARNEY, IV, D.V.M.

License No. VET.2515

OIE # 2013-28

Respondent.

FINAL ORDER

This matter came before the South Carolina State Board of Veterinary Medical Examiners ("Board") for hearing on May 8, 2014, to consider the Memorandum of Agreement and Stipulations signed by the above named ("Respondent") on March 3, 2014 ("MOA"). In the MOA, Respondent waived the authorization and filing of a Formal Complaint as well as formal hearing procedures and elected to dispose of the matter pursuant to S.C. Code Ann. § 1-23-320(f)(2005, as amended). Respondent also waived the right to thirty (30) days notice of this proceeding.

A quorum of the Board was present. The hearing was held pursuant to S.C. Code Ann. §§40-1-90, 40-69-190 (2011) and the provisions of the Administrative Procedures Act, S.C. Code Ann. §1-23-10, *et seq.* (2005, as amended) to determine what sanctions, if any, were appropriate.

Erin G. Baldwin, Assistant Disciplinary Counsel, represented the State. Respondent appeared and was represented by Sherri A. Lydon, Esquire. After consideration, the Board voted to accept the MOA, with the sanctions specified in this Order.

The Board considered the MOA and Respondent's written statement dated December 6, 2013, which was attached to the MOA and to which Respondent stipulated to its authenticity and admissibility. The Board also accepted the following additional evidence at the hearing:

1. Affidavit dated February 5, 2014, of Pleas C. Faglie, Investigator for the South Carolina Department of Labor Licensing and Regulation of investigative costs of \$480.00 in this matter.
2. May 6, 2014, letter from Bob Innes to the Board in support of minimum sanctions for Respondent.
3. May 7, 2014, letter from Michelle Elkins to the Board in support of Respondent.
4. E-mails from Respondent to personnel at Pets, Inc. advising of improper vaccination and heartworm medication practices, and directing that vaccines and medications be locked up in Respondent's absence.

5. July 24, 2013 notice of termination of services of Respondent by Pets, Inc.

FINDINGS OF FACT

Respondent admitted the following facts in the MOA and waived any further findings of fact with respect to this matter.

1. Respondent is duly licensed and registered to practice veterinary medicine in South Carolina under license number VET.2515, first licensed by the Board on August 9, 2006. Respondent's credential status with the Board is active.

2. On a number of occasions between February and April 2013, while working for Pets Inc., in West Columbia, South Carolina, Respondent allowed unlicensed staff members to sell prescription drugs to owners of animals from the general public without establishing a proper veterinarian-client-patient relationship prior to the prescription being written.

3. On a number of occasions between February and April 2013, Respondent allowed unlicensed staff members to perform rabies and other vaccinations on shelter animals and animals from the general public.

4. Respondent's signature was reproduced at times without his knowledge by use of a rubber stamp that was not safeguarded by him to prevent its improper use.

5. Respondent gave a written statement, dated December 6, 2013, which acknowledged his responsibility for the above-mentioned violations of the practice act. Respondent has been cooperative with the investigator throughout the pendency of this case.

6. The Board also finds the following mitigating circumstances:
When Respondent made changes to protocol at Pets Inc. regarding control over vaccines and medicines in response to the complaint filed against him in this matter, Respondent was terminated from his employment as a veterinarian at Pets Inc.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over Respondent and this matter.
2. In the MOA, Respondent admitted the aforementioned acts of Respondent described in paragraphs 1-5 of the above Findings of Fact violated S.C. Code Ann. § 40-69-110(A)(6), (11) and (20)(2011); and South Carolina Code of Regulations R. 120-8(A) (as amended).

3. Upon a finding by the Board that a licensee has committed any of the acts or omissions specified in S.C. Code Ann. §§ 40-1-110 and 40-69-110 (2011) or other conditions

specified therein exist, the Board has the authority to revoke or suspend a license or registration certificate, publicly reprimand a licensee, or take any other reasonable action short of revocation or suspension, such as probation, restrictions requiring the person to undertake additional professional training subject to the direction and approval of the Board, psychiatric evaluations, controlled substances restrictions, institutional practice under supervision, and any other actions considered appropriate by the Board. In addition to or instead of such actions affecting the license of a licensee or registration of a registrant, the Board may impose a civil penalty of up to One Thousand Dollars for each violation. S.C. Code Ann. §§ 40-69-120 (2011). In addition to other sanctions, a licensee found in violation of the applicable licensing act may be directed to pay a sum not to exceed the reasonable costs of the investigation and prosecution of the case. S.C. Code Ann. §40-1-170 (2011).


4. The Board has determined it appropriate to impose the sanctions stated below.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED that:

1. The Board accepts the Memorandum of Agreement and Stipulations signed by the Respondent.
2. Respondent is hereby publicly reprimanded.
3. Respondent is assessed investigative costs in the amount of Four Hundred Eighty Dollars (\$480.00), which must be paid within six months of the date of this order.

AND IT IS SO ORDERED.

STATE BOARD OF VETERINARY EXAMINERS

BY: 
Oswald H. "Sonny" King, III, D.V.M.
Board Chair

August 29, 2014.